United Nations S/AC.37/2005/(1455)/6

# Security Council

Distr.: General
23 May 2005

Original: English

**Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities**

## Note verbale dated 13 May 2005 from the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) of 15 October 1999, and has the honour to transmit herewith for the attention of the Committee the report of the Government of the Republic of Trinidad and Tobago, pursuant to resolutions 1267 (1999) and 1455 (2003) (see annex).

05-35661 (E) 100605

**Annex to the note verbale dated 13 May 2005 from the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Chairman of the Committee**

**Questionnaire RE: Trinidad and Tobago's position**

**Security Council resolutions 1267 (1999) and 1455 (2003) concerning money-laundering and suppressing the financing of terrorism**

## I
## INTRODUCTION

1. **Please provide a description of activities, if any, by Usama Bin Laden, Al Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends**

There has been no discernable activity of Usama Bin Laden, Al Qaida, the Taliban and their associates in Trinidad and Tobago. There is, at present, no intelligence to suggest that they pose a threat to the country or to the region.

## II
## CONSOLIDATED LIST

2. **How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

The 1267 Committee's List has not been incorporated into Trinidad and Tobago' legal system. However, the said List and the subsequent updates are circulated by the Ministry of Foreign Affairs to all relevant authorities, including financial supervision, the police, immigration control, customs and consulate authorities, on the basis of required administrative procedures.

3. **Have you encountered any problems with implementation with regard to the names and identifying information, as currently included in the List? If so, please describe the problems.**

Trinidad and Tobago has encountered no problems with implementation with regard to the names and identifying information currently included in the List.

4. **Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.**

No designated individuals or entities associated with Usama bin Laden and the Taliban have been identified inside this territory.

5. **Please submit to the Committee, to the extent possible the names of individuals or entities associated with Usama bin Laden or members of the Taliban or Al Qaida that have not been included in the List, unless to do so could compromise investigations or enforcement actions.**

There are no known individuals or entities associated with Usama Bin Laden or members of the Taliban or Al Qaida known to the authorities that have not been included in the list.

6. **Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.**

No listed individuals or entities have brought a lawsuit or engaged in legal proceedings against Trinidad and Tobago's authorities for inclusion in the list.

7. **Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

None of the listed individuals have been identified as nationals or residents of Trinidad and Tobago. This country's authorities have no relevant information about the listed individuals not already included in the List.

8. **According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al Qaida training camps established in your territory or in another country.**

The Military Training (Prohibition) Act 1996 prohibits the training, drilling and equipping of persons with firearms, ammunition, artillery or explosives and the practice of military exercises otherwise than permitted under any written law.

## III
## FINANCIAL AND ECONOMIC ASSETS FREEZE

9. **Please describe briefly:**
   - **The domestic legal basis to implement the asset freeze required by the resolutions above**
   - **Any impediments under your domestic law in this context and steps taken to address them**

Provision is made under the Anti-Terrorism Bill, 2004, which is being debated in the Upper House of Parliament.

10. **Please describe any structures or mechanisms in place within your government to identify and investigate Usama bin Laden, Al Qaida or Taliban-related financial networks or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

National agencies with information gathering, investigative, enforcement and operational authority are authorized to identify and investigate Usama bin Laden, Al Qaida or Taliban-related financial networks and those providing support thereto. These agencies coordinate their efforts through a combination of administrative and legal procedures.

11. **Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of Usama Bin Laden or members of the Al Qaida or the Taliban, or associated entities or individuals . Please describe any 'due diligence' or 'know your customer' requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.**

Banks and other financial institutions have been provided with the 1267 Committee List and are required to treat any transaction with a person/entity on the list as suspicious and submit Suspicious Transaction Returns to the Financial Investigations Unit (FIU). Such reports/returns will trigger an investigation and the need to assist in locating and identifying assets held for such parties.

The 'due diligence' and 'know your customer' requirements are specified in Section 4 of the Central Bank of Trinidad and Tobago Guidelines on Combating Money Laundering and Terrorist

Financing. These guidelines are accessible on the bank's website and are fully compliant with the standards specified in the Revised Forty and Nine Special FATF Recommendations.

These requirements are enforced through internal controls, compliance functions and external review by the Central Bank, the FIU, Auditors, CFATF and the World Bank/IMF.

12. **Resolution 1455 (2003) calls on member states to provide " a comprehensive summary of frozen assets of listed individuals and entities." Please provide a list of assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to 1267 (1999), 1333(2001), and 1390(2002). Please include, to the extent possible, in each listing the following information:**
   - **Identification(s) of the person(s) or entities whose assets have been frozen**

- **A description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property and other assets)**
- **The value of assets frozen**

There are no persons or entities whose assets have been frozen.

13. **Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama bin Laden or members of the Al Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.**

No funds, financial assets, or economic assets previously frozen, and belonging to Usama bin Laden, or members of the Al Qaida or the Taliban or associated individuals or entities have been released pursuant to resolution 1452 (2002).

14. **Pursuant to resolutions 1455 (2003), 1390(2001), 1333(2000) and 1267(1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:**

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the committee, or who have otherwise been identified as members or associates of al Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds, and other related items.**

- **Restrictions or regulations, if any, applicable to alternate remittance systems such as—or similar to—'hawala' , as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

- METHODOLOGY – the methodology used is that of circular letters, meetings, ongoing contact with compliance officers and training sessions.
  The financial institutions to which the methodology applies are: banks and non banking institutions including: insurance companies, credit unions, bureaux de change, money remittance entities, building societies, cooperatives, money dealers, investment advisers, postal agencies, real estate dealers, motor vehicle dealers, courier services, gaming houses, pool betting shops, national lottery online, and jewelers.

- REQUIRED BANK REPORTING PROCEDURES – suspected transactions have been reported by banks, on their volition, using the "Suspicious Activity Reports" (SAR) reporting procedure. These reports

are then directed to the designated authority and reviewed and evaluated by the Financial Investigations Unit (FIU). All suspicious activity reports, immediately upon receipt, are initially analyzed with a view to determining the identity and existence of persons/businesses/organizations, named on the Suspicious Activity Reports. Subsequently, this information is then keyed onto the FIU's existing database of SARs and analyzed using relevant software applications.

- RESTRICTIONS ON PRECIOUS COMMODITIES Import and export permits are not required. Trinidad and Tobago is not a producer of such precious commodities as gold, diamonds and jewels. In the case of import, such precious commodities usually arrive by air in the care of the Captain of the aircraft who informs Customs of the importer. The goods are examined in the presence of the clerk sent by the jewellery store to which they are consigned. If the goods arrive as cargo they are locked in the Valuables Cage until the arrival of the consignees' agent when they are examined by Customs in his presence. In the case of re-export, such precious commodities are placed in the care of the Captain of the aircraft if they are going by air or the Purser if they are leaving by sea.

- RESTRICTIONS OR REGULATIONS, if any, applicable to alternate remittance systems - generally, any group can be incorporated under the Companies Act 1995, a non-profit company is usually limited by guarantee. Companies seeking approval as charitable organizations must submit an application to the Board of Inland revenue. The Board then reviews the company's documents of incorporation and its financial statements to ascertain that the objects of the company are charitable in nature and that the funds raised by the organization are not distributed to its own members for personal gain.
Subject to satisfactory assessment, the Board will make a recommendation to the Ministry of Finance, which will then issue an approval of the charitable status of the organization. Organizations receiving approved charitable status are required to submit their annual financial statement to the Ministry of Finance.

The remittance system of "Hawala" does not obtain in this jurisdiction.

## IV
## TRAVEL BAN

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of listed individuals (paragraph 1 of resolution 1455(2003), paragraph 2b of resolution 1390 (2002).

15. **Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.**

- Legislative – the Listed Individuals would be covered under the "Prohibitive Class" of the Immigration Act Chapter 18.01
- Administrative – the Listed Individuals are placed on record in the Immigration Data Base

16. **Have you included the names of the listed individuals in your nation 'stop list' or border checkpoint list? Please briefly outline steps taken and any problems encountered.**

The names of listed individuals have been included on the national stop list/border checkpoint lists. No problems have been encountered. The List is available in hard copy at authorized points of entry, such as airports and seaports.

17. **How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?**

The updated List is transmitted to border authorities as often as modifications are made to it. Electronic databases are accessible for searching at the country's two (2) international airports and at major seaports.

18. **Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.**

No

19. **Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?**

The List has been forwarded in hard copy form, by way of circular memorandum to all of our diplomatic and consular Missions. At present, there are no reference databases at our Consular offices. No visa applicant has been identified, to date, whose name is on the List.

V

**ARMS EMBARGO**

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale and transfer, to Usama bin Laden, members of Al-Qaida organization, and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related material of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2 (c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003)

20. **What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of the Al Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?**

The Firearms Act prohibits the illicit acquisition of arms and ammunition.

21. **What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings, and entities associated with them?**

Trinidad and Tobago is neither a producer nor an exporter of arms, ammunition and other related material. Insofar as transshipment measures are concerned there are appropriate border controls in place.

22. **Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of Al Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.**

Not applicable. There are no arms brokers in Trinidad and Tobago.

23. **Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama bin Laden, members of the Al-Qaida organization and the Taliban another individuals, groups, undertakings and entities associated?**

Not applicable. Trinidad and Tobago is not a producer of weapons and ammunition.

## VI
## ASSISTANCE AND CONCLUSION

24. **Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.**

Trinidad and Tobago would be willing to provide assistance to other states to help implement the measures contained in the above-mentioned resolutions.
Additionally it may be noted that Trinidad and Tobago has concluded Mutual Legal Assistance Treaties with Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America. These provide for, inter alia, reciprocal assistance in matters pertaining to crimes committed within each other's territory.

25. **Please identify areas, if any, of any incomplete implementation of the Taliban/Al Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.**

The Anti-Terrorism Bill, which has been passed in the House of Representatives and is being debated in the Senate, whereupon it will become law, would, under Clause 4 make it an offence or any person to directly or indirectly, provide financial or other related services for the purpose of committing or facilitating the commission of a terrorist act, or for the benefit of any person who is committing or facilitating the commission of a terrorist act.

Clause 5 would make it an offence for a person to provide or make available money or other property, with the intention, knowledge or reasonable belief that it would be used to carry out a terrorist act.

Clause 6 would prohibit the use of property, directly or indirectly for the purpose of committing or facilitating the commission of a terrorist act. This clause would also prohibit the possession of with the intention that it be used or with the knowledge that it would be used for the purpose of committing or facilitating the commission of a terrorist act.

Clause 7 would prohibit arrangements that would facilitate the acquisition, retention, or control by or on behalf of another person of terrorist property, whether by concealment, removal out of the jurisdiction, transfer to a nominee or in any other way.

Clause 8 would make it an offence to knowingly deal in any terrorist property, acquire or possess terrorist property, enter into any transaction in respect of terrorist property, convert, conceal or disguise terrorist property or provide financial or other services in respect of terrorist property.

Clause 9 would prohibit the soliciting and giving of support to a terrorist group or to the commission of a terrorist act.

Part 8 deals with seizure and forfeiture property. Clause 34 would empower any customs officer, immigration officer or police officer to apply to a judge in Chambers for a restraint order in respect of property he has reasonable grounds to believe is intended for use in the commission of a terrorist act or that the property is terrorist property.

Clause 35 would enable the forfeiture of property used in the commission of terrorist acts or property obtained as proceeds of crime where a person has been convicted of a terrorist offence.

Clause 36 would empower the Director of Public Prosecutions to apply to a judge in Chambers, where he has reasonable grounds to believe that there is property in a building, place or vessel in respect of which a forfeiture order may be made under clause 37, for a warrant authorizing a police officer to search for and seize the property, if found. The Director of Public Prosecutions would also be empowered to apply for a restraint order to prevent any person from disposing of or otherwise dealing with any interest in that property. The judge would be empowered to make certain orders in respect of the property as required.

Clause 37 would enable the Attorney General to apply to judge of the High Court for an order of forfeiture in respect of terrorist property. Any person who has an interest in the property would be notified and would be entitled to be a respondent to the application. Any interested party who has not been notified would be entitled to apply to the High Court to vary or set aside the order within sixty days of its making.

Trinidad and Tobago is engaged on a continuing basis in the monitoring and strengthening of its administrative, regulatory and legal frameworks to build its own capacity in implementing the sanctions regime.

26. **Please include any additional information you believe pertinent.**

Not applicable

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Security Council

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**Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities**

## Note verbale dated 27 June 2005 from the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Democratic Republic of the Congo to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and has the honour to annex hereto the report submitted by the Democratic Republic of the Congo on the measures provided for under the Taliban/Al-Qaida sanctions regime pursuant to paragraphs 6 and 12 of resolution 1455 (2003) (see annex).

05-41689 (E) 140705 150705

**Annex to the note verbale dated 27 June 2005 from the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Committee**

**Report submitted by the Democratic Republic of the Congo pursuant to paragraphs 6 and 12 of resolution 1455 (2003) of 17 January 2003**

## I. Introduction

The reports of the national security services indicate that no known activity imputable to Osama bin Laden, Al-Qaida, the Taliban or their associates has been reported in the territory of the Democratic Republic of the Congo.

## II. Consolidated list

1. The list drawn up by the Committee established under resolution 1267 (1999) is regularly and progressively distributed to the various national security and immigration services.

2. Distribution is by way of administrative circular. The list has not been incorporated into the national legal system.

3. No problems with implementation with regard to the names and identifying information included in the list have yet arisen.

4. None of the individuals or entities designated in the list has been reported in the territory of the Democratic Republic of the Congo.

5. No such cases have yet arisen.

6. The case has not yet arisen.

7. The case has not yet arisen.

8. These measures were described in subparagraph 1(b) of the first supplementary report submitted to the Security Council Committee established pursuant to resolution 1373 (2001), which states:

> Article 156, Book II, of the Penal Code provides that: "Any conspiracy formed with the aim of committing an offence against persons or property constitutes an offence consisting of the sole act of organizing the group". With regard to the penalty applicable to the offence, article 157, Book II, of the Penal Code goes even further by providing that: "The instigators of such a conspiracy, the leaders of the group and those who have exercised command of any sort shall be punished by death".

## III. Strengthened implementation of resolution 1455 (2003)

Implementation of resolution 1455 has been strengthened in the Democratic Republic of Congo. The Democratic Republic of the Congo has been subject to a sanctions regime since the Security Council decided, in resolution 1596 (2005) of

18 April 2005, to extend the arms embargo already imposed on the provinces of North and South Kivu (resolution 1493 of July 2003) to the entire territory of the Democratic Republic of the Congo.

The provisions of resolution 1596 therefore do not duplicate those of resolution 1455 but, rather, complement them. Resolution 1596 also provides that those who violate the embargo shall be subject to a travel ban and to a freezing of their financial assets. The Council accordingly decided that, no later than 31 July 2005, it would review the measures taken in the light of progress accomplished in the peace and transition process in the Democratic Republic of the Congo, in particular with regard to the integration of the Armed Forces and of the National Police.

**1. Financial and economic assets freeze**

In the Democratic Republic of the Congo, the freezing of economic and financial assets under the provisions of resolutions 1267 (1999) and 1390 (2002) is governed by the provisions of Act No. 04/016 of 19 July 2004 on combating money-laundering and the financing of terrorism, as described in subparagraphs 1 (a), (c) and (d) of the aforementioned report.

**2. Travel ban**

No such cases have yet arisen, but the immigration and security services may, if need be, avail themselves of the administrative provisions applicable in certain conditions to persons banned from travelling.

**3. Arms embargo**

In pursuance of the provisions of paragraph 9 of Security Council resolution 1533 (2004) concerning the arms embargo in the eastern part of the Democratic Republic of the Congo, and in accordance with paragraph 20 of Security Council resolution 1493 (2003), the Transitional Government of the Democratic Republic of the Congo has taken the following steps:

1. It has ensured strict compliance with its obligations under resolution 1533 (2004), in particular by effectively combating illicit arms trafficking throughout its territory, in accordance with the disarmament, demobilization and reintegration (DDR) process, and has likewise ensured the restoration of the State's authority throughout the national territory and secured national borders;

2. It has stepped up measures to implement the provisions of Congolese social legislation, particularly those of the Decree of 21 February 1950 regulating firearms and ammunition, which provide as follows:

- No one not entrusted with military functions may be in possession of military-style weapons, including revolvers, pistols, submachine guns, "Mauser" rifles, FAL light automatic rifles or any fully automatic weapons;
- Anyone who imports, transports, possesses, lends or leases, sells, gives or abandons firearms or ammunition in violation of the provisions of the aforementioned decree shall be punished by penal servitude and a fine.

3. The Transitional Government is studying ways of reinforcing border security measures in order to discourage any arms trafficking in the national territory.

## IV. Assistance and conclusion

The Democratic Republic of the Congo is now in the process of modernizing and restructuring its customs services and reforming its customs legislation. In this context, it should be stressed that technical and financial support is needed from the international community as a precondition for achieving effective border control, especially since electronic data-scanning facilities are not yet in place at all entry points.

The possibility of organizing training courses in anti-terrorist legislation for magistrates and police officers has already been envisaged and needs only to find external financing to become a reality.

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# Security Council

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11 July 2005

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**Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities**

## Note verbale dated 11 July 2005 from the Permanent Mission of Bhutan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of Bhutan to the United Nations presents its compliments to the Chairman of the Committee and has the honour to submit herewith the report of the Kingdom of Bhutan, pursuant to paragraph 6 of Security Council resolution 1455 (2003) (see annex).

05-42057 (E) 200705

**Annex to the note verbale dated 11 July 2005 from the Permanent Mission of Bhutan to the United Nations addressed to the Chairman of the Committee**

**Report by the Kingdom of Bhutan pursuant to paragraph 6 of Security Council resolution 1455 (2003) submitted to the Security Council Committee established pursuant to Security Council resolution 1267 (1999)**

The Kingdom of Bhutan has always held the view that terrorism in all its manifestation continues to jeopardize and undermine human rights, fundamental freedoms and security in many countries. As the principal victims/targets of terrorist activities are innocent people, it is, indeed, the most flagrant violation of human rights.

**Introduction**

1. **Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.**

Bhutan has no association whatsoever with the activities of Usama Bin Laden, Al-Qaida, and the Taliban. Bhutan remains alert to any potential terrorist threat and is committed to cooperating regionally and internationally in taking firm/affirmative action against such threats.

2. **How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

The 1267 Committee's List has been circulated through the Ministry of Home & Cultural Affairs and the Ministry of Finance to all immigration checkpoints, law enforcement agencies, customs authorities and financial institutions. The visa section under the Ministry of Foreign Affairs maintains the List on its watch list. The concerned authorities are informed each time a new name is added to the List.

The Ministry of Finance, through the Royal Monetary Authority (Central Bank), has directed all financial institutions within the country to immediately freeze any accounts and assets if detected to be related to individuals and entities contained in the List. Financial institutions have also been advised to remain vigilant against any illicit financial transaction, which should be reported to the Royal Monetary Authority (RMA) for further investigation. Till date no specific reports have been received from the financial institutions on such matters.

3. **Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.**

The names and particulars contained in the List have been distributed to all the relevant authorities. However, immigration checkpoints including Paro International Airport do not have any computerized networked system or database, which would facilitate quicker and effective identification. The checks are conducted manually and requires extensive inter-agency coordination. The Royal Government is keen on implementing an automated border control system but this is subject to the availability of funds.

Positive identification solely on the basis of a name is also very difficult and detail information as much as possible could facilitate matters.

**4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.**

No designated individuals or entities on the List have so far been identified within the territory of the Kingdom of Bhutan.

**5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.**

The Kingdom of Bhutan has no information related to this.

**6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.**

As the listed individuals or entities have no association with Bhutan, the question of bringing lawsuit or proceedings against any Bhutanese authorities do not arise.

**7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

None of the listed individuals are Bhutanese nationals or residents. The Kingdom of Bhutan also has no other relevant information on the individuals or entities included in the List.

**8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country. Under the sanctions regime (paragraph 4(b) of the resolution 1267 (1999) and paragraphs 1 and 2(a) or resolution 1390 (2002), States are to freeze without delay the funds and other financial assets or economic resources of the listed individuals and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, assets, or resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory. For the purpose of implementation of the financial prohibitions in this sanctions regime, "economic resources" is defined to mean assets of every kind, whether tangible or intangible, movable or immovable.**

Please refer to answers provided by Bhutan with regard to OP/1, OP/2 and OP/3 of the Security Council Resolution 1373.

There are no laws that have been specifically enacted to prevent Al-Qaida activities. However, the following domestic legislations provide the legislative framework to deal with acts of terrorism and activities related to it:

- The Enabling Act for the SAARC Regional Convention on Suppression of Terrorism 1991
- The Extradition Act 1991. This was enacted to enable the extradition of persons who had committed serious crimes of extraditable nature and to implement the SAARC Convention on Suppression of Terrorism 1991.
- The National Security Act 1992

- Financial Institutions Act 1992
- Prudential Regulation 2002
- Bhutan Penal Code 2004. Chapter 19 deals with money laundering and Chapter 23 with terrorism and related offences. The offense of terrorism is a felony of the first degree with minimum sentencing of 15 years to life imprisonment. Joining or registering with a known terrorist organization is a felony of the third degree with a minimum sentencing of 5 years to 9 years.

**9. Please describe briefly the domestic legal basis to implement the asset freeze required by the resolutions above, and impediments under your domestic law in this context and steps taken to address them.**

The Royal Monetary Authority supervises and regulates the activities in the financial sector as per the relevant laws and regulations in effect in the Kingdom of Bhutan. These are the Royal Monetary Authority Act 1982, Financial Institution Act 1992, Foreign Exchange Regulations 1997 and the Prudential Regulations 2002. The Royal Monetary Authority can issue freeze orders and directives to the financial institutions, which are binding.

Under Article 59 of the Financial Institutions Act, 1992 financial institutions in the country are required to reveal to the Royal Monetary Authority any evidence of serious criminal activity either in the Kingdom or abroad which it suspects is associated with the use of a bank account or its proceeds, or if it suspects that investments are the products of a serious criminal activity either in the Kingdom or abroad.

The Prudential Regulations 2002 issued by the Royal Monetary Authority provides a broad framework for quasi-judicial responsibilities that financial authorities have to adhere to and comply with at the minimum. These regulations incorporate the minimum standards of 25 Core Principles for Effective Banking Supervision, which is being promulgated by the Basel Committee for Banking Supervision, BIS. Section 18 of the Regulations deals with money laundering and in order to prevent such activities, financial institutions must implement measures such as:

- Know your customer policy
- Customer transaction profile
- Information on cash transaction
- Information on foreign currency transaction

Money Laundering is a penal offence under the Bhutanese law and chapter 19 of the Penal Code of Bhutan 2004 has provisions to deal with this offence.

**10. Describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

Under Article 59 of the Financial Institutions Act, 1992 financial institutions in the country are required to reveal to the Royal Monetary Authority any evidence of serious criminal activity either in the Kingdom or abroad which it suspects is associated with the use of a bank account or its proceeds, or if it suspects that investments are the products of a serious criminal activity either in the Kingdom or abroad.

At the regional level Bhutan has ratified the SAARC Convention for the Suppression of Terrorism and its Additional Protocol. To coordinate activities under this convention a SAARC Terrorist Offences Monitoring Desk has been set up at Colombo, Sri Lanka. Discussions are also ongoing among SAARC member countries to set up a regional police group called SAARCPOL, which will have the objective of fighting terrorism, organized crime, drugs and girl trafficking in the region.

Internationally, Bhutan has ratified the International Convention for the Suppression of the Financing of Terrorism. Bhutan is also in the process of seeking membership to the INTERPOL, which would facilitate information exchange mechanisms.

**11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama Bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities or agencies responsible for oversight.**

The Royal Monetary Authority has issued notice to the financial institutions to draw attention to Article 59 of the Financial Institutions Act, 1992 and report to the Royal Monetary Authority any illicit financial transaction related to individuals and entities contained in the List (please see point 2).

The Royal Monetary Authority has also issued Guidelines on money laundering and financing of terrorism, which requires financial institutions to adopt "know your customer policy" and "customer transaction profile" (please see point 9).

The Royal Monetary Authority is responsible for oversight. Under Section 19 of the Prudential Regulation 2002, which deals with on-site examination of financial institutions the Financial Institutions Supervision Division of the Royal Monetary Authority, as part of its vigilance and surveillance system, conducts frequent on-site visits of the financial institutions to specifically check and verify their financial operations.

**12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities." Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information.**

- **Identification(s) of the person of entities whose assets have been frozen;**
- **A description of the nature of the assets frozen (i.e., bank deposits securities, business assets, precious commodities, work of art, real estate property and other assets);**
- **The value of assets frozen.**

No financial assets belonging to the listed individuals and entities have been reported.

**13. Please indicate whether you have released pursuant to Resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.**

No funds, financial assets or economic assets related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities have been reported in Bhutan.

**14. Pursuant to Resolutions 1455 (2003), 1390(2001), 1333 (2002) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:**

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

No precise methodology, but a notice has been issued to the two deposit taking institutions i.e. Bank of Bhutan and Bhutan National Bank inline with UN Security Council resolution 1267 (1999) and resolution 1373 (2001) along with a copy of the listed individuals and entities.

- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are revised and evaluated.**

Section 18.3, Section 18.5 and Section 18.6 of the Prudential Regulation 2002 requires banks/financial institutions to report suspicious activities; maintain record of any single cash transaction above Nu. 5 million; and report to the Royal Monetary Authority for any private cash transaction above 0.5 million for foreign currency and 1 million for Indian rupees. The reports and record are revised and monitored by the Financial Institutions Supervision Division of the Royal Monetary Authority.

- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

The financial institutions are required to comply with the requirements of section 18.3 of Prudential Regulations 2002, which pertains to the "Know your customer policy".

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.**

Under the Import & Export schedule these fall under restricted items. Importation/Exportation of more than the permissible amount (Gold = 50 grams, Silver = 1 kg etc.) requires special clearance. Further, should such items (both movable and immovable property) be mortgaged or collateralized, provisions of the Moveable and Immovable Property Act of the Kingdom of Bhutan, 1999 shall be applied accordingly.

The revised Foreign Exchange Regulations, which is expected to into effect soon, the import and export of gold and silver coins, bars and bullion shall be permitted subject to authorization of the RMA, and to such limits as it may be prescribed on the amounts that may be imported into and exported out of Bhutan.

- **Restrictions or regulations, if any, applicable to alternate remittance systems such as or similar to "hawala", as well as on charities, cultural and other non-profit organisations engaged in the collection and disbursement of funds for social or charitable purposes.**

There are no alternate remittance systems. All foreign exchange remittances must be conducted through the Royal Monetary Authority.

15. **Please provide an outline of the legislative framework and/or administrative measures, if any, taken to implement the travel ban.**

As mentioned earlier, the names of listed individuals has been circulated all immigrations checkpoints, law enforcement agencies, customs authorities and financial institutions. The visa section under the Ministry of Foreign Affairs also maintains the List on its watch list. The concerned authorities are informed each time a new name is added to the List.

16. **Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.**

The names of the listed individuals have been included in the international watch list that is maintained by the Visa Section of the Ministry of Foreign Affairs. This watch list is periodically updated and made available to all border control authorities. The screening process starts when the visa is being applied for and not just when the applicant enters Bhutan.

To make the identification process more reliable, the List should incorporate additional details (please see point 3). In the absence of a computerized border control system the identification process is conducted manually, which is time consuming.

17. **How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?**

The Ministry of Foreign Affairs circulates the updated List to all concerned authorities immediately upon receipt. Bhutan does not possess facilities to search data using electronic means.

18. **Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information as appropriate.**

No Listed individuals have been stopped at Bhutan's border points or transited through its territory.

19. **Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa issuing authorities identified any visa applicant whose name appears on the List?**

The List is included on the international watch list maintained by the Visa Section of the Ministry of Foreign Affairs, which is periodically updated. This watch list is also shared with Bhutanese diplomatic missions abroad. There has been no report of any visa applicant having been identified whose name appears on the List.

20. **What measures, if any, do you have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama Bin Laden, members of Al-Qaida**

**organisation and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?**

Firearms and Ammunition Act 1990 regulates the importation, possession and handling of arms and ammunition. The Bhutan Penal Code 2004 also has provisions to deal with illegal manufacture, possession and sale of firearms, ammunition, explosives or a lethal weapon. An offence of illegally manufacturing a weapon of mass destruction is punishable for life imprisonment.

Bhutan neither produces nor exports any weapons or weapons technology.

**21. What measures, if any, have you adopted to criminalise the violation of the arms embargo directed at Usama Bin Laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them?**

Please refer to Question No. 20.

**22. Please describe how your arms/arms broker licensing system, if any, can prevent Usama Bin Laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.**

The Firearms and Ammunition Act 1990 regulates the importation, possession and handling of firearms. The possession of firearms is limited and an arms license can only be issued after thorough verification.

**23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama Bin laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated?**

Bhutan neither produces nor exports any weapons or weapons technology

**24. Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolution? If so, please provide additional details or proposals.**

Bhutan has neither the capacity nor the expertise to provide such assistance. However, Bhutan stands ready to share any information that may be useful in preventing any terrorist act and to cooperate in arresting and bringing those responsible to justice. As a state policy, terrorism in all forms is denounced by Bhutan and it is made uniawful through our legislation.

**25. Please identify areas, if any, or any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.**

Bhutan fully complies with the Taliban/Al-Qaida sanctions regime. As mentioned earlier, in the absence of a computerized networked system or database among border control and law enforcement authorities the information has to be shared and identity checks have to be conducted manually. This

requires extensive inter-agency coordination. The Royal Government is working towards implementing an automated border control system.

**26. Please include any additional information you believe pertinent.**

Bhutan is a state party to 6 of the 12 international counter-terrorism conventions:

- International Convention against the Taking of Hostages
- Convention on the Prevention and Punishment of Crime against International Protected Persons including Diplomatic Agents
- Convention on Offences and Certain Other Acts Committed on Board Aircraft
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
- Convention for the Suppression of Unlawful Seizure of Aircraft
- International Convention for the Suppression of the Financing of Terrorism

The following two counter terrorism conventions are being submitted to the June Session (2005) of the National Assembly for accession:

- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the suppression of Unlawful Acts against the Safety of Civil Aviation
- Convention on the Marking of Plastic Explosives for the Purpose of Detection

The Royal Government also expects to submit the International Convention for the Suppression of Terrorist Bombing to the November Session (2005) of the National Assembly for accession.

The Royal Government is studying the three remaining counter-terrorism conventions i.e. Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf and the Convention on the Physical Protection of Nuclear Material. The Royal Government hopes to accede to these conventions soon.